

Trion James v. Port Authority Police Department, Port Authority of New York and New Jersey, Edward Cetnar (in his official capacity), Christopher McNerney (in his official capacity), and Does 1-5

Civil No.: 1:22-cv-02463-PGG

EXHIBIT R

ANTHONY COTRONEO
JAMES vs PORT AUTHORITY POLICE DEPARTMENT

March 30, 2023

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1
2 UNITED STATES DISTRICT COURT
3 FOR THE SOUTHERN DISTRICT OF NEW YORK
4 -----X
5 TRION JAMES,

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PLAINTIFFS,

-against-

Case No.:
1:22-cv-02463

PORT AUTHORITY POLICE DEPARTMENT,
PORT AUTHORITY OF NEW YORK AND NEW JERSEY,
EDWARD CETNAR (HIS OFFICIAL CAPACITY),
CHRISTOPHER MCNERNEY
(IN HIS OFFICIAL CAPACITY) AND DOES 1-5,

DEFENDANTS.

-----X

DATE: March 30, 2023

TIME: 9:10 A.M.

DEPOSITION of a Non-Party Witness,
ANTHONY COTRONEO, taken by the Respective Parties,
pursuant to a Subpoena and to the Federal Rules of
Civil Procedure, held at the office of Balestriere
Fariello, 225 Broadway, 29th Floor, New York, New
York 10007, before Germila Donald, a Notary Public
of the State of New York.

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DURST ORGANIZATION, by a witness

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A. COTRONEO

sorry. For which sites did you provide security for Durst starting in 2015?

A. One World Trade Center.

Q. It's been One World Trade Center the whole time?

A. And during the Pandemic I did the Midtown Portfolio which is several different buildings.

Q. Did you have a title at the Durst Organization when you began in 2015?

A. Yes.

Q. What was your title?

A. Security manager.

Q. Is that your title today?

A. No.

Q. So is it fair to say you were promoted to security manager at some point?

A. Yes.

Q. When was that?

A. April of last year.

Q. So what is your title now?

A. Senior Security Manager.

Q. As security manager, what were your responsibilities?

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1 A. COTRONEO

2 A. To provide site security throughout
3 World Trade Center, to assist guests in entering
4 and tenants entering. And to provide a security
5 screening for the Observatory guests.

6 Q. Did you receive any training from
7 the Durst Organization regarding that?

8 A. No.

9 Q. And you say now you are a senior
10 security manager; is that correct, sir?

11 A. That's correct.

12 Q. What additional or change of
13 responsibilities have you had since you became a
14 senior security manager?

15 A. So my role is still with the
16 Observatory One World Trade Center. I just now
17 supervise five security managers and eighteen
18 security officers.

19 Q. Just very briefly. Personal
20 background. Are you married?

21 A. Yes.

22 Q. Do you have any kids?

23 A. Yes.

24 Q. How many?

25 A. I have three biological and two

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A. COTRONEO

hear the volume was elevated. The security officer says, "I think there is a problem over there." I say, "Okay." And I walked and I approached them. As I approached them, I could hear a little bit of the content that was being spoken.

At that point in time, I can see it was Sergeant James. He was unhappy and agitated, so I approached him and I engaged in a conversation with him.

Q. When you said, "the security officer" is that Kejuan?

A. Yes.

Q. And you say when you arrived at this area; were you called to the area or were you walking into that area?

A. I was called to the area.

Q. By whom?

A. Kejuan Robinson.

Q. By what means?

A. He texted me.

Q. Do you remember what he texted you?

A. "You need to come out here."

Q. Beyond that, do you remember if

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1 A. COTRONEO

2 there was any other substance to his
3 communication?

4 A. No.

5 Q. Where were you, sir, at that time?

6 A. I was in the security manager's
7 office.

8 Q. When you were in the security
9 manager's office, is it fair to say, that you
10 could at that point see Sergeant James?

11 A. No, it was behind closed doors.

12 Q. So you come out after Kejuan sends
13 you this text, you just described what you
14 heard, what is the next thing you remember
15 happening?

16 A. As I approached, I can hear that he
17 was using some vulgar language towards guest
18 services. At that point he was also addressing
19 the folks that were a little bit to the left of
20 guest services, which was Taurean.

21 I heard him use the word -- I guess
22 I can say it here -- "Fuck." He was very
23 displeased and being disrespected and
24 embarrassed.

25 Q. And what specific -- and I am not

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A. COTRONEO

asking you to say that word again, but you
can -- what specific words, if any, do you
remember him saying?

A. "I can't believe you are fucking
treating me like this. I'm the fucking police."

Q. Did you hear -- what, if anything,
did you hear, Louis say in response to that?

A. I didn't hear him say anything?

Q. What about Taurean?

A. I didn't hear him say anything
either.

Q. Did you hear this conversation, sir,
like as you were walking towards them?

A. Yes.

Q. What was the next thing that you
remember happening after you heard what you just
described?

A. As I approached he had a Port
Authority sergeant shield hanging from the neck
area on the outermost garment. As I approached
him, I identified myself as a security manager
and I said, "My name is a Tony." And I asked
him how I could help.

Q. Did sergeant answer, did he respond?

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1 A. COTRONEO

2 A. Yes.

3 Q. What do you remember him saying?

4 A. He said that these people are
5 disrespecting me and he lifted up his shield to
6 show me he was the police. He goes, "I'm the
7 police and they are giving me a hard time."

8 Q. Did you respond to him?

9 A. I did.

10 Q. What do you remember saying?

11 A. I asked him what was the issue and
12 how I could help.

13 Q. And did he respond?

14 A. He did, yes.

15 Q. What did he say?

16 A. He said that he had a reservation at
17 the restaurant. And again, he turned and
18 started to speak at a higher volume towards the
19 staff. I asked him if he could lower his voice,
20 because at that point in time guests were
21 exiting the turnstiles. He continued to speak
22 over me. And I said "Listen, can you calm down,
23 quiet down? Walk with me, so we can speak a
24 little bit more privately out of the earshot of
25 the legend employees."

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A. COTRONEO

Q. What did he say, if anything?

A. He walked with me.

Q. Where did you two walk?

A. I walked approximately 20 feet away from guest services.

Q. So again, did Taurean stay where Taurean was?

A. Yes, Taurean stayed and Louis stayed behind guest services.

Q. And where was Kejuan at this time; if you remember?

A. He was back by the original door by the gates.

Q. So you and Sergeant James went, I think you said 20 feet away?

A. Yes.

Q. Did you discuss anything while you were walking?

A. No.

Q. You went to 20 feet away, what is the next thing you remember happening?

A. I asked him what the problem was. I had already been aware that he may have been late, because I was told I had a time there was

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1 A. COTRONEO

2 a Port Authority Sergeant that had called to
3 inform the restaurant that he was going to be
4 running late. So I have been waiting for a Port
5 Authority Police to show up.

6 So I asked him what was the issue,
7 why was he getting into an argument with them.
8 He continued to say that he was embarrassed and
9 he can't believe that they are not allowing him
10 to go upstairs.

11 So at that point in time I asked him
12 if he was working. And he said, "No." And at
13 that point in time I asked him why the necessity
14 of hanging the shield on the outside to identify
15 himself to everybody as the police and why he
16 had the uniformed police officer escorting him
17 if he was not working. He said, he was not
18 working and that he wanted everybody to know he
19 was the police.

20 Q. He said he wanted everyone to know
21 he was the police?

22 A. Yes.

23 Q. You testified, sir, that you were
24 aware that a Port Authority -- I don't know if
25 you said officer or sergeant called?

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A. COTRONEO

find out what was going on.

Q. Did you then walk away from Sergeant James?

A. I did.

Q. Did Sergeant James stay where he was?

A. He did.

Q. What happened after you walked away from Sergeant James as you just testified?

A. I spoke to Mr. Santana who relayed to me that Mr. James did not even have tickets to enter the Observatory. And when he relayed that to him is when he became irate.

Q. Do you need to have tickets to enter the Observatory in order to eat at ONE Dine?

A. Yes.

Q. So you found out this information about Sergeant James not having a ticket, what is the next thing that happened?

A. So as I turned around to go speak to him, he immediately handed the phone over and stuffed it into my face. And he said, "Here." I asked him to not put the phone in my face and who was on the phone. He said that it was the

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1 A. COTRONEO

2 restaurant.

3 Q. And just to be clear, "he" in your
4 last answer, that is Sergeant James?

5 A. Yes.

6 Q. And that was his phone?

7 A. Yes.

8 Q. After he put the phone in your face
9 and you testified what you said to him, what is
10 the next thing you remember happening?

11 A. I took the phone to speak to the
12 host.

13 Q. Did you?

14 A. I did.

15 Q. Do you know the host's name?

16 A. I don't.

17 Q. Was this a host that you have spoken
18 to before?

19 A. It is hard to tell. He had a deep
20 accent. I was not sure who it was.

21 Q. Do you know if this was the same
22 person that Sergeant James apparently had spoken
23 to earlier in the afternoon?

24 A. No, I know it was not.

25 Q. How do you know it was not?

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1 A. COTRONEO

2 A. I know the person that he spoke to
3 prior to that.

4 Q. Who is that; the person prior?

5 A. Jackson Sturkey?

6 Q. Is that, S-T-U-R-K-E-Y?

7 A. I think so, yeah.

8 Q. So it is not Mr. Sturkey, you are
9 speaking to some host at this point?

10 A. Yes.

11 Q. Using Sergeant James' phone?

12 A. Yes.

13 Q. What do you remember about that
14 conversation?

15 A. So as I was speaking to them, I can
16 see Mr. James walking away from me. He
17 approached the guest services desk once again.
18 He gets into more of a conversation with them,
19 where he now starts raising his voice again, and
20 he is now cursing again at them. And he is
21 really just very upset that they were
22 embarrassing him and weren't allowing him to
23 enter without all the questions.

24 The last time that he said the word
25 "fuck" at that point in time I had enough of the

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1 A. COTRONEO

2 show that was being put on now in front of the
3 dozens of guests that were exiting, who were now
4 stopping to see what was unfolding.

5 I told the host that Mr. James is
6 not going to be permitted to enter. That they
7 didn't have to await his arrival. I hung up. I
8 handed the phone back up to Mr. James and I told
9 him at that point he was not allowed to go
10 upstairs.

11 Q. How long did you have the -- to the
12 best of your memory -- how long did you have
13 Sergeant James' phone in your hand when you
14 observed what you just described?

15 A. About 20 seconds.

16 Q. And when you said that he went over
17 to guest services, just to be clear, that was
18 Taurean and Louis?

19 A. I believe he went to Taurean. They
20 were separated.

21 Q. So you just described what you said
22 to the host; did you hang up the phone then?

23 A. Yes.

24 Q. What was the next thing you remember
25 happening?

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1 A. COTRONEO

2 A. After I informed Mr. James that he
3 was not permitted to go upstairs, he told me
4 that I was a fucking embarrassment, that I am
5 the police, and you are the police, how could
6 you be doing this to me. This is my fucking
7 building. I own this fucking building. I am
8 the one that comes when you call 911.

9 And at that point in time, I looked
10 at the police officer that was in uniform and
11 said, "You are in uniform, you are in charge.
12 He is off duty, you need to get him out of
13 here."

14 Q. Did that officer say anything in
15 response to you saying that?

16 A. Yes.

17 Q. It's she, right?

18 A. Yes.

19 Q. What did she say?

20 A. She said, "Sergeant, we need to go,
21 we need to leave, we have to go."

22 Q. What, if anything, did Sergeant
23 James say at that point in time?

24 A. At that point in time he immediately
25 walked towards the turnstile which is 'exit

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1 A. COTRONEO

2 only' where guests were exiting. I followed
3 after him to tell him he can't go in that way,
4 he needed to exit where he came in from. He
5 turned around, we walked together. At that
6 point in time, he stopped, turned to me again
7 and said, I am disgrace. And he at that point
8 shouldered me with his shoulder into my chest
9 area.

10 Q. That turnstile that you referenced,
11 is that a way to exit; is that correct?

12 A. That is where the guests exit the
13 Observatory.

14 Q. And why is it that you didn't want
15 him to go that way?

16 A. That is an exit only.

17 Q. But you did want him to exit,
18 correct?

19 A. I wanted him to exit through either
20 the lobby, the escalator to go to the lobby, or
21 the C1 Mezzanine.

22 Q. Why did you not want him to exit
23 through that turnstile?

24 A. It is an exit only coming out of the
25 Observatory into the C1 Lobby. It is not an

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1 A. COTRONEO

2 entrance into the Observatory. It is an exit
3 out from all the guests that are coming down.
4 They walk out, they have to go through the
5 turnstiles as a final exit into the C1 Lobby
6 area.

7 Q. And forgive me, maybe I'm not
8 understanding. But why is it that you did not
9 want him to go there, because you didn't want
10 him around the other guests; is that the idea?

11 A. No. He was going to try to enter
12 through the exit only. So glass doors only open
13 for guests to exit. If you try going the other
14 way, they won't open for you.

15 Q. So the idea is, if he went that way,
16 whatever the rules may be, he could have then
17 physically attempted to go upstairs; is that
18 correct?

19 A. Yes.

20 Q. So you asked him to instead -- I am
21 sorry, where did you ask him to go, sir?

22 A. I told him he could not go that way,
23 to exit from where he came from.

24 Q. At least at first he started to go
25 that way; is that correct?

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1 A. COTRONEO

2 A. Yes.

3 Q. And then you said that he shouldered
4 you?

5 A. Yes.

6 Q. By that, do you mean that -- this is
7 a deposition, so I am asking these questions --
8 by that, do you mean that he pushed his shoulder
9 into your physically?

10 A. Yes.

11 Q. Which shoulder; do you remember?

12 A. I believe it was left.

13 Q. And you may have testified to this,
14 but where did he push his left shoulder?

15 A. Right into my chest area
16 (indicating).

17 Q. Did you touch him before that time?

18 A. No.

19 Q. Once Sergeant James shouldered you
20 with his left shouldered, what is the next thing
21 that happened?

22 A. I asked him what he thought he was
23 doing.

24 Q. What did Sergeant James say?

25 A. He said, "You just assaulted a Port

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A. COTRONEO

Authority Officer."

Q. He said that you, that you assaulted
a Port Authority Police Officer?

A. That's correct.

Q. What, if anything, did you say in
response?

A. I told him, don't even try that one
with me. I was in the police department for
twenty years. I'm not playing your games. You
need to leave.

Q. What did Sergeant James say, if
anything?

A. He started to walk back a little
bit. He stopped, turned to me again. I
remember what he said, but he was obviously
irate. I kept telling the police officer you
need to get him to go. And she kept pleading
with him several more times that he needed to
leave.

Q. What was the next thing that you
remember happening?

A. They finally did exit. They walked
out and they exited through the C1 doors onto
the Mezzanine onto the Westfield property.